IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5434 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE M.R. SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

BARODA DISTRICT COOPERATIVE MILK PRODUCERS UNION LTD.
Versus
GUJARAT STATE COOPERATIVE TRIBUNAL

Appearance:
1. Special Civil Application No. 5434 of 2004
MR BS PATEL for Petitioner No. 1
MRS RANJAN B PATEL for Petitioner No. 1
MR DIPEN DESAI, AGP for Respondent No. 1
MR ANSHIN H DESAI for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE M.R. SHAH

Date of decision: 01/11/2004

ORAL JUDGEMENT

#. Rule. Mr.Dipen Desai, learned AGP, waives service of rule on behalf of respondent No.1 and Mr.Anshin H.Desai, learned advocate, waives service of rule for respondent

No.2.

#. With the consent of the learned advocates for the respective parties, the matter is taken up for final hearing today.

#. In this petition filed under Article 227 of the Constitution of India, the petitioner has challenged the legality and validity of the judgment and order passed by the Gujarat State Cooperative Tribunal dated 19.4.2004 in Revision Application No.41 of 2004 in allowing the same and allowing the application Exh.5 submitted by respondent No.2 herein in Lavad Case No.419 of 2003 subject to depositing Rs.7,50,000/-.

#. Today, when the matter is called out there is a broad consensus between the parties to the effect that let outlet situated at Suryanarayan baug be given by inviting fresh tenders and be given to the highest bidder and that till the contract is given to the highest bidder, the possession as on today be continued. There is further consensus between the parties that if, after inviting tenders, further negotiations are to take place, the same shall be done in the presence of the bidders at a time and on the same day and in such eventuality, opportunity will be given to all bidders to remain present at a time and on the same day for further negotiation and increase of their offers.

#. Considering the aforesaid consensus, the following order is passed.

It is directed that the petitioner shall invite fresh tenders for running outlet at Suryanarayan Baug at Vadodara within a period of six weeks from today. It is further directed and ordered that the contract to run outlet at Suryanarayan Baug at Vadodara shall be given to the highest bidder only and that for the purpose of giving contract to the highest bidder after submission of bid or offer if further negotiations are required, then in that case, the petitioner shall give opportunity to all the bidders for further negotiations on the same day and in the presence of the bidders. It is also directed that till fresh contract is given to the highest bidder, as stated above, the position prevalent as on today with regard to running the outlet is directed to be continued till the finalisation of bids and awarding fresh contract for running the outlet at Suryanarayan Baug at Vadodara.

In view of the aforesaid directions, the aforesaid suit would not survive and accordingly, the

said suit shall stands dismissed automatically. The parties are directed to abide by this order.

#. With these observations and directions, the present special civil application is disposed of. Rule is discharged with no order as to costs. Liberty to apply in case of difficulty.

(M.R.Shah,J)

(pathan)